

January 14, 2009

The regular meeting of the Riverton Borough Council was held on the above date. Mayor Martin presiding.

**PRESENT:** Council members Daniel, Brown, Cairns Wells, Smyth, Kinzler, Cesaretti and Solicitor Bruce M. Gunn

The following statement was read by Mayor Martin:

Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Municipal Clerk in the following manner:

(a) Having written notification of all meetings to be held in 2009 published in the Burlington County Times on December 20, 2008

(b) Posting written notice on the official bulletin board on January 2, 2009

The open and closed session minutes from December 3, December 10, and December 18 were then presented. Mr. Brown moved that these minutes be approved as submitted.

This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**FINANCIAL ITEMS:** Mr. Kinzler

**TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL**

The Treasurer reported that there was no Treasurer's Report because the bank statements were just received today. Mr. Kinzler stated that this report will be placed on next month's agenda for action. Mr. Kinzler then moved that the attached Finance Report and Bill list for the month of December be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. Mr. Kinzler reported that the tax receipts for the end of 2008 were at 98.03%. Mr. Kinzler distributed a listing of those property owners who did not pay 2008 taxes by the deadline of 12/31/08. Mr. Kinzler reported that these uncollected taxes would impact this year's budget.

**FINANCIAL IMPACT TO THE BOROUGH REGARDING REIMBURSABLE**

**GRANTS** Mr. Kinzler stressed the fact that we need to take a more pro active approach in making sure that the Borough is reimbursed for specific grant monies in a timely fashion. Mr. Kinzler reminded Council that this issue has been discussed previously and that he thought better procedures should be implemented this year. The Clerk reported that Council has requested that all engineering firms appointed this year include verbiage in their contracts stating that the firm agrees that their payments will be deferred (pertains to reimbursable grants) until the Borough receives their actual reimbursement.

**ESCROW FEES** Mr. Kinzler raised concern over the fact that applicants going before specific Boards have not been paying their required escrow charges. Mrs. Cairns Wells responded that this issue is being addressed by the Planning Board and that a draft Ordinance is being prepared for Council's consideration. Ms. Cairns Wells explained that this proposed Ordinance will address the fee schedule and will also include an escrow agreement that any prospective applicant would have to sign.

**2009 BUDGET UPDATE** Mr. Kinzler reported that he met with specific department heads (in particular the Police Chief and the Superintendent of Public Works) to preliminarily review their budgets. Mr. Kinzler reported that all 2009 budget request have not been submitted. Ms. Cairns Wells asked if the Planning Board had submitted theirs. The Clerk responded no.

Mr. Kinzler distributed a listing of the exact salaries for all Borough Employees (excluding 5 contract police positions) for Council's information and review. Mr. Kinzler stated that this report reflects the costs of various proposed increases for 2009 (from 0% to 4%). Mr. Kinzler stated that an in depth discussion regarding the 2009 budget will commence at Council's February 4<sup>th</sup> meeting.

### **COMMITTEE REPORTS**

#### **PUBLIC SAFETY-Mr. Cesaretti**

Mr. Cesaretti read a report for the month of December that was submitted by Chief Robert Norcross. Vehicle Mileage 3,009, Gas Used 459, Juvenile Arrests 0, Adult Arrests 7 (Traffic Warrants 5 and DWI 2), Motor Vehicle Accidents 2, Motor Vehicle Stops 56, Motor Vehicle Warnings 17, Motor Vehicle Summonses 56 (Riverton Officers 56), Burglar Alarms 14, Assists to other Police Departments 35, Animal Complaints 17, Fire Calls 5, Arson 0, Ambulance Calls (Riverton) 27, Unattended Deaths 0, Criminal Cases 18, Incidents 205, Domestic Violence 3, Thefts 5, Shoplifting 0, Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 5, Miscellaneous Calls 568 and Total Calls 1,040.

Mr. Cesaretti read a report for the month of December that was submitted by Deputy Fire Chief Robert Yearly. There were 12 fire calls for the month, 3 drills, 6 calls in town and 6 calls out of town.

Mr. Cesaretti read a report for the month of December that was submitted by Animal Control Officer, M&R Wildlife. Two stray dogs were taken to the shelter.

#### **STREETS/SEWER/GRANTS/SHARED SERVICES & ECONOMIC**

##### **DEVELOPMENT-Mr. Smyth**

Regarding the requested crossing controls at Broad at Cedar, Thomas and Elm, we have been advised that the County Engineer sent a letter to New Jersey Transit asking them to install these controls. Mr. Smyth will follow up and keep Council apprised.

Regarding the Linden and Bank Avenue pocket park upgrade, Mr. Smyth announced that there is a meeting at the Bridge Commission next Thursday to review the approved plans. Both the Mayor and Mr. Smyth will attend. The Bridge Commission will be funding these upgrades.

Mr. Smyth announced that we received a DOT grant for Linden Avenue in the amount of \$180,000.00. Land Engineering has submitted the following preliminary estimates for this project: the estimated construction costs for Linden Avenue from Broad to Park Avenue is \$385,837.50 and the estimated construction costs for Linden Avenue from Bank to Second Street is \$113,420.00. Mr. Kinzler commented that he thought the time was right to do this work; however, more discussion will be needed during the budget process before a decision is reached by Council.

Mr. Smyth reported that we did submit a request for possible funding to upgrade the park to Congressman Andrews Office.

Mr. Smyth reported that the Bridge Commission has offered to do an Energy Audit on the Borough's facilities for us at no cost. A letter to participate needs to be done. Mr. Cesaretti concurred with Mr. Smyth.

Mr. Smyth announced that the next shared services meeting is scheduled for February 5<sup>th</sup> at 7:00pm in Westampton. They will be discussing planning and zoning processes.

## **ZONING/CODE ENFORCEMENT, PARK & COURT-Mr. Brown**

The Zoning Board will hold their reorganization meeting tomorrow night.

Mr. Brown read a report for the month of December that was submitted by Court Administrator, Jackie Gleason. Total receipts for the month amounted to \$5,878.00. The total amount disbursed to Riverton amounted to \$3,148.56.

On Code Enforcement issues, Mr. Gunn provided an update on 108 7<sup>th</sup> Street. Mr. Gunn reported that the property owners did not appear in court on January 9<sup>th</sup> which is considered a default. The judge entered an order essentially granting the Borough relief. Either the homeowner fixes the problems or the Borough can take care of it. Mr. Gunn reported that he received a call from the homeowners the day before the hearing. The property owner basically said they would take care of the issues and pay the fines. Mr. Gunn said the Judge must now sign the order. Mr. Gunn stated that Council needs to decide if we will fix the problems (then place a lien against the property). Mr. Brown asked if there was a timeline with the Judge's order. Mr. Gunn responded that it would be immediate. Mr. Gunn suggested going back to our Construction Official and get his recommendation. Mr. Gunn stated that we had also asked for \$4,000.00 in fines from the homeowner. We still have to try and collect that. Mr. Brown asked if the Judge could hold another hearing. Mr. Gunn responded that that is a possibility. Mr. Brown asked if any neighbors showed up in court. Mr. Gunn responded no.

Regarding 622 Thomas Avenue, Mr. Gunn stated that the court hearing is scheduled for January 23<sup>rd</sup>. Mr. Gunn is sending a copy of the hearing notice to the law firm representing the owners in the foreclosure process. Council will be kept informed regarding the status of both of these properties.

## **PLANNING/REDEVELOPMENT-Ms. Cairns Wells**

Ms. Cairns Wells reported that the Planning Board will hold their reorganization meeting next Tuesday. The Zoning Code Task force has completed their work and will be submitting their report for Council's and the Board's review very soon. Ms. Cairns Wells reported that the steering committee for the Downtown Revitalization Grant held their first meeting in December. Ms. Cairns Wells reported that our Planner submitted the Borough's COAH documents on time in December.

## **SHADE TREE/BD OF HEALTH, ENVIRONMENTAL COMMISSION**

### **RECYCLING-Dr. Daniel**

Dr. Daniel provided Council with an overview of the Shade Tree Commission's activities for 2008. Dr. Daniel reported that one bid was received, opened and publicly read on January 8, 2009 at 10:00am for the Care and Maintenance of Trees for 2009 and 2010. The only bid received was from the **Paul May Tree Service of Delran, NJ. They bid \$65.00 per man hour for trimming, mulching, planting and additional stump removal. They will not charge for certified tree expert consulting services.** Mr. Gunn reported that he has reviewed the bid with the Shade Tree Commission and everything is in compliance. Dr. Daniel asked that Council award this contract to the Paul May Tree Service.

### **RESOLUTION 12-09**

### **A RESOLUTION AWARDING THE CONTRACT FOR THE CARE AND MAINTENANCE OF TREES FOR 2009, 2010 TO PAUL MAY TREE SERVICE, INC.**

**(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Dr. Daniel, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

#### **MEETING OPEN TO THE PUBLIC**

**Frank Cioci**, would like to have a copy of the Zoning Code Task Force report. Ms. Cairns Wells responded that she would e-mail a copy to him.

**Richard Rauth** asked what both the Police Department and the Public Works Department base their budget on regarding fuel costs. Mr. Kinzler responded that it's all internal; it is a separate line item (gasoline) in our budget. We get our gas from Cinnaminson Township at fair market value.

Mr. Rauth asked if any firewood is available to the residents from all the trees recently removed in town. Dr. Daniel responded no. The wood was moved to a receiving area in Mt. Laurel that was willing to accept it. If not we would have had to pay the tree removal contractor to take the wood back to North Jersey where their business is based.

Mr. Rauth asked if it would have done any good if a resident had attended the court hearing. Mr. Gunn responded no.

#### **OLD BUSINESS**

##### **RESOLUTION 13-09**

#### **A RESOLUTION TO REIMBURSE THE RIVERTON 4<sup>TH</sup> OF JULY COMMITTEE FOR AN INSURANCE SETTLEMENT (IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

#### **NEW BUSINESS**

##### **RESOLUTION 14-09**

#### **A RESOLUTION AUTHORIZING THE SOLICITOR OF THE BOROUGH OF RIVERTON TO FILE APPEALS, OMITTED AND ADDED ASSESSMENT APPEALS, AND ROLL BACK COMPLAINTS WITH THE BURLINGTON COUNTY BOARD OF APPEALS (IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

##### **RESOLUTION 15-09**

#### **A RESOLUTION APPOINTING COURT PERSONNEL (IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Brown, who moved for its adoption. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti eye.

**RESOLUTION 16-09**  
**A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT C.231 P.L. 1975**  
**(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Brown, who moved for its adoption. This was seconded by Dr. Daniel. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that Personnel-Contract Negotiations (Police) will be discussed.

At this time Mr. Brown moved that we return to public session. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye Mr. Kinzler aye and Mr. Cesaretti aye.

**RESOLUTION 17-09**  
**A RESOLUTION OF THE BOROUGH OF RIVERTON AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL AGREEMENT AND RELEASE BY AND BETWEEN THE BOROUGH OF RIVERTON AND TOMMY MERINO**  
**(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Cesaretti, who moved for its adoption. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

There being no further business to discuss, Mr. Brown moved that the meeting be adjourned. This was seconded by Ms. Cairns Wells, with all present voting in the affirmative.

Mary Longbottom, RMC  
Municipal Clerk